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09/556,333	04/24/2000	David Stanard	3849US	7617

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/556,333

Applicant(s)

STANARD, DAVID

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1203. 6) ☐ Other:

### DETAILED ACTION

Acknowledgment is made of the receipt of the remarks submitted on 9/19/03. Claim 1-6 and 8-36 are currently pending.

#### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/03 has been entered.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8-12, and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Berson (US 5,598,477).

Berson teaches a system for issuing airline tickets. A purchaser wishing to obtain an airline ticket inputs information through a personal computer 10 to data processing system 12-1. Data processing system 12-1 communicates with an airline reservation system to obtain

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information as to the availability of suitable flights consistent with the purchaser's itinerary.

Data processing system 12-1 returns ticket information, including encrypted validating information, purchaser's name, destination, flight, and fare, to a local printing system 20. The local printing system is a non-intelligent printer operating under the control of personal computer 10 (col. 3, lines 21-60 and col. 4, lines 45-57).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (US 5,021,953) (hereinafter referred to as 'Webber') in view of Berson.

Webber teaches a system comprising a processor 18 which includes, or communicates with, a tariff file 20 for storing airline schedules, routings and footnotes, legal connecting times, and fares; a traveler file 22 for storing individual traveler's name and address and telephone numbers, credit card numbers, frequent traveler numbers, and seating preference; an airline reservation system 30 for storing seat availability; and a trip record for storing a traveler's itinerary and printing the itinerary and ticket at the traveler's personal computer (col. 5, line 22-col. 6, line 21; col. 17, lines 30-42).

Webber lacks the teaching of a unique indicia assigned to the ticket and ticket information in computer-readable form binding a particular seat to a particular customer. Also

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not taught is the newly added limitation whereby the customer may print the ticket independent of ticket printing authorization from the ticket database.

The teachings of Berson have been discussed above.

One of ordinary skill in the art would have readily recognized that a unique indicia assigned to the ticket would have been beneficial for thwarting off fraudulent use of the ticket by making the pertinent ticket information available to only those in possession of instruments used to ascertain the indicia. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Webber with the cipher-code of Berson as a security means.

6. Claims 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Rosen (US 6,336,095).

Kay teaches a ticket having a cipher-coded bar code 33 located thereon representing ticket information including description of event, venue, and seat location (col. 3, line 66-col. 4, line 3; col. 4, lines 29-46). The ticket may be printed using a standard PC assembly of a ticket purchaser (col. 2, lines 45-54).

Kay lacks the teaching whereby the ticket is useable by a ticket bearer without regard to the particular customer to which the particular seat is bound.

Rosen teaches a system wherein a ticket is purchased via a desktop owner and transferred to another party (col. 26, lines 1-7).

One of ordinary skill in the art would have readily recognized that the convenience of being able to transfer a ticket is beneficial since, in this manner, ownership of a ticket may change hands in the wake of an instance where the purchaser can not use the ticket. Therefore, it

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would have been obvious, at the time the invention was made, to modify the teachings of Kay with the transferable ticket as taught by Rosen to guarantee that the ticket will be put to use by someone.

7. Claims 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber/Berson as applied to claims 2 and 5 above, and further in view of Rosen.

Webber/Berson lack the teaching whereby the ticket is useable by a ticket bearer without regard to the particular customer to which the particular seat is bound.

The teachings of Rosen have been discussed above.

Again, one of ordinary skill in the art would have readily recognized that the convenience of being able to transfer a ticket is beneficial since, in this manner, ownership of a ticket may change hands in the wake of an instance where the purchaser can not use the ticket. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Webber/Berson with the transferable ticket as taught by Rosen to guarantee that the ticket will be put to use by someone.

#### ***Response to Arguments***

8. Applicant's arguments filed 9/19/03 have been fully considered but they are not persuasive.

In response to the argument that claim 1 is not anticipated by Berson because claim 1 cites a "remote" device, the examiner submits that "remote" is a relative term and claim 1 does not distinctly cite as to what the device is remote to. The Berson reference does therefore read

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upon the claimed limitation since the printing system 20 is indeed remote to a number of elements (e.g. the data processing system and airline reservation system).

In response to the argument that claim 17 is not anticipated by Berson because claim 17 cites a “network” and server that the venue dated database is associated with is “accessible to the public”, and further the authenticated ticket is transmitted “directly to the device controlled by the customer”. The examiner submits that the network *is* accessible to the public since the purchaser may access the network using a personal computer which are inherently accessible to the public, therefore the Berson reference reads upon the claimed limitations.

In response to the argument that Webber teaches against a “customer-selected printer independent of ticket printing authorization from the ticketing database or the venue database”, the examiner submits that the premise of the 103 rejection (i.e. the rejection of the claims in view of Webber as modified by Berson) is to teach that it would have been obvious to modify the Webber reference. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, knowledge generally available to one of ordinary skill in the art would have motivated one to modify the Webber reference.

In response to the arguments against the rejection of claims 24-28 in view of Kay as modified by Rosen, the examiner again submits that the premise of the 103 rejection (i.e. the rejection of the claims in view of Kay as modified by Rosen) is to teach that it would have been

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obvious to modify the Kay reference. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, knowledge generally available to one of ordinary skill in the art would have motivated one to modify the Kay reference to include a ticket that is usable "without regard" to the particular customer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Jamara A. Franklin  
Examiner  
Art Unit 2876

JAF  
January 9, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
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